App F IX 4

*Previous References* (1935 ml)

File No 177-35
Serial Nos 1, 2, 3

*Letter References*

# GENERAL AND REVENUE SECRETARIAT

*Serial Nos* Three

**Part B for** Jany 38

**SUBJECT**

Loss of LM revenue in the Hawkes Town Municipality

WD 0295—GPB—22 500—18 8 37

Serial No

From

The Deputy Comr, Chitaldrug Dist

No A C 1433/35-36 Dt 3/1936

Brings to the notice of Govt the circumstances under which the Hosdurga Taluk Board has suffered a loss of Rs 1458/10/- in their income and furnishes his opinion as to who are all the officers responsible for the loss in question & the action to be taken against them

orders of the Development Commr

refers to the Note dt 4/1/36

Hgs Jand A

Copy of the communications received from the Dy Commr of Chitaldrug & quoted in the above letter in regard to the adverse remarks made about the conduct of Mr S M Seetharamiah, then Deputy Assistant President of the Hosdurga Taluk Board

Hag C

The Revenue Comr has stated that he has called for the explanation of

NOTE — Contn Sheet

WD 03 94—GPB—30 000—18-7 35

Loss to Barbar Jam Mal & the responsibility of the
3088/2 Mills Concern

Mk File No of 1935 — 8 General and Revenue Secretariat

Mr Seethapamiah & that it may be awarded. Since then, no further report has been received in the matter. A draft reminder to the Revenue is submitted for approval.

If after it issues, the case on this file will be noted upon further

4467 8/1

for 8/11/36 Dep Secretary 11/8/1

4 hV 10/1 issue 5 from 14/1

To

The Revenue Commissioner

No. 5 dated 13/1/36

requesting him to forward the explanation of Mr. S. M. Seethapamiah (4467/35) Sch Bhuldana, Kalur if it has been received with his remarks thereon etc.

6 In para 8 of his letter, the D.C. Chitaldrug states that heirs of Yamun that the Sirkar and Councillors should be surcharged under Rule 7 (2) of the D.M. Regn 1933 for the loss of Rs 4458/10 referred to therein under the Section, the

Loss of toll revenue to the Harchar town Mlk

3081

General and Revenue Secretariat — File No — of 1935-36 — [App F III—2

Serial No

D.C. is on his own motion competent to pass an order certifying the amount to be surcharged against the persons found to be responsible therefor If such orders of Govt are necessary If so for orders of the D.C may be informed accordingly

for ans

16/1/36 NM 16/1/36

(Dev Dep)

20/1

4692 22/1

7 Section 89 gives the D.C. the power to levy and 176(1) left me to consider whether it is difficult to say that there was power to negligence or misconduct after the cancellation They may have known that part payment was in advance to a big drum head it does not seem to be an offence that they went against the rules adopted The D.C. can have disciplinary remedy if he considers it necessary

I do not think that there is any offence against the Municipal Councillors who violated the rules

In regard to the concession granted, the Rev Comm refused to

OFFIC OF THE SECOND MEMBER OF COUNCIL 24 JAN 1935 NO 555

NOTE — Contn Slee

WD O) 91—GPB—30 000—18-7 35 awaited

Secretariat

NM 23/1

26/1/36 NM

dm 29/1 4176

3081/L 3087 3816 3816/2

File No of 193 — 36 General and Revenue Secretariat

Submitted with draft reply for appn.

Fin. 29/1/36 MM/29/1

Dewtes) MM 29/1

MM 31/1 Issue for 30/1

4R33 - 291, -

To

30 JA 19

The D-C Chitaldrug with 2 nos L 5720 dy 31-1-36 informs him that Govt do not think this to be a fit case to proceed agst the Rd Councillors who voted for the compromise

Fin. Fin A (with ref. to the Rly) Fin 3/2/36

The Revenue Comr in Mysore no C 4970 - 31-36 dy 17-1-36 forwards the Dc's report, along with the records

Definite orders of Govt have been passed in the matter - Pls Communicate to the D-C Chitaldrug in detail & Supran

Dis for orders if the records may be returned in Continuation

Dis not known whether the explanation of Mr S-M. Seetharamiah has to be called for from the Parties ref'd to in this letter

Min for orders MM

Fin 2/2/36 MM/30/1

Serial No

Subd for orders with refce to para 10 Supra re the action to be taken on the conduct of the Special Presidt

The Rev Can in forwarding the Dyers letter, has made no remarks

Asst Secy
Dy Secy
Please speak to me

5458
25/2

We may await the Dyers reply in regard to the refce in the Amritsar Ex/m

Asst Secy 29/2
Dy Secy 29/2

Secy B Tele 1373/36
Asst Secy 29/2/36

NOTE—Contn Sheet

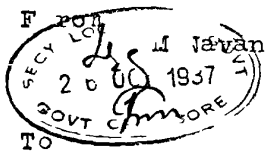
WD 03594—GPB—30 000—18 7 35

File No 3868 2 V 2104 of 193 General and Revenue Secretariat

2104

A6 C 1433/35-36 Office of the Deputy Commissioner,
Chitaldrug District
Dated Chitaldrug, 25th October 1937

From



M Jevaneetham Naidu Esquire B A ,B L ,
Deputy Commissioner,
C H I T A L D R U G

To

P V Krishna Rao Esquire M A ,
Secretary to Government,
Local Self-Government Department,
B A N G A L O R E

Sir,

Subject - In the matter of the recovery of the Heriyar Municipal Toll-gate khists-1930-31

I have the honor to invite kind reference to letter No L5720/Miscellaneous dated 31st January 36 from the Development Secretary to Government on the above subject and to state that the two files of records sent with this office letter No A6 C 1433/35-36 dated 2nd January 1936, have not been received I request that the said records may kindly be caused to be returned to this office

I have the honor to be,
S I R,
Your most obedient servant,

Deputy Commissioner,
Chitaldrug District

21/1/1938

one 179-35-

T l Add —D p m
CHITALDRUG

| | | | |
|---|---|---|---|
| I | plɔ pl | ref | t |
| N | Anf C 1433/35-36 | | |
| F | l | 3 | |

OFFICE OF THE DEP
CHITALDRI

Dated Chitaldrug 2nd .

FROM

N Sundararaja Iyengar, Esquire, B A ,
Deputy Commissioner
Chitaldrug District

To

J Venkatanaranappa, Esquire, B A ,
Secretary to Government, Development Department, Bangalore

Through,

The Revenue Commissioner in Mysore, Bangalore

Subject - Harihar Municipal tollgate khists 1930-31 - Suit instituted and withdrawn - loss arising from

Sir,

In forwarding herewith the entire file of records received from the Sub Division Officer, Davangere in the matter of the suit with-drawn by the Harihar Municipal Council filed against one Mr Andanur Kuppanna towards the arrears due to the Municipality on account of tollgate khists for the year 1930-31, I have the honor to state as follows -

The right to collect toll during the year 1930-31 was sold in auction and the same was knocked down to one Andanur Shivalingappa for a sum of Rs 7500/- This Andanur Shivalingappa being a minor, the necessary stamped mutchalika was executed by Messrs Andanur Kuppanna father of the sale purchaser and another H Chandrasekharaiya, binding themselves to the ~~xxix~~ conditions of the sale notification This stamp mutchalika has been filed with the other connected papers in the Civil Court, Davangere, in connection with the suit The contractor paid the khists regularly from July 1930 to January 1931 and became a defaulter from February onwards for three months, viz February, March and April to an extent of Rs 1875/- He applied to the Municipal Council twice for relief and the Council, on ~~xxxx~~ both the occasions, refused to consider his request, as the contractor was not entitled to any concession as per clause 13 of the sale notification

2 Thereupon, Mr Muppanna applied to the Deputy Commissioner and Government for grant of relief to him After some correspondence, the Municipal Council resolved at their meeting held on 30-11-1931 that one-third of the dues might be remitted, if the contractor paid the balance of arrears within a month ~~from~~ thereafter A notice was accordingly issued to the contractor on 3-12-1931 but he refused to have it served on him Instead of availing himself of the concession shown to him, the contractor paid only Rs 200/- on 6-1-1932 and wanted time for 2 or 3 months more to pay up the balance The matter was reported to the Deputy Commissioner who directed on 25-5-1932 that immediate action might be taken to recover the balance Thereupon coercive measures were adopted for the recovery of the amount and only Rs 28-5-0 was realised thereby

3 A Civil suit was thereupon instituted as resolved by the Council for the recovery of the balance of the contract amount including the penal interest amounting to Rs 2010/- The Advocate Mr B Hanumantha Rao of Davangere has been paid Rs 345/- so far towards his fees, stamps and other connected expenses Mr Muppanna presented an application to the President on 26-3-1935, after this suit was before the court for nearly one and a half years, to compound matters for a sum of Rs 1200/- which he said he would pay in two instalments The then President, Mr S I Sitaramaiah ordered that the petition might be placed before the Council This was entirely uncalled for and unnecessary as the matter had been disposed of finally by the responsible authorities, viz the Municipal Council and the Deputy Commissioner It was thus a definite wrong lead given to the Council by its official President It came up before the Council finally on 22-5-1935 when the Vice President, Mr Veeraswami Mudaliar, presided on account of the absence of the President, Mr Aminulmulk, on tour

4 In the face of the definite orders of the Deputy Commissioner dated 25th May 1932 that the entire arrears should be recovered and in the face of the fact that the Council had also finally resolved at its meeting held on 4-10-1933 that the suit should be proceeded with and also,

the fact that the matter had come up to the decree stage in favour of the Municipality before the Munsiff's Court, Davangere, it was quite wrong on the part of Mr S A Sitaramiah, the official President to have countenanced any personal representation of the party to himself and then referred the matter to the Council for reconsideration again

5 The subject was placed before the council first on 24-4-1935, it was adjounred to 29-4-1935 and then again it was adjounred to 10-5-1935 Finally it came up before the Council on 22-5-1935 Mr S A Sitaramiah in the meanwile handed over charge on 16-5-1935, as he was transferred to Malur, Kolar District as Amildar His successor was Mr Aminulmulk At this adjourned meeting out of the 21 members on the Council, only 8 members were present when the matter was discussed Two of the eight members present, viz The Sub Assistant Surgeon and Mr Shankarnaik, were of the opinion that the question should be discussed at the full Council meeting and a ~~decision~~ decision arrived at, as the matter involved a serious loss to the Municipality But the other six members were of the opinion that the concession asked for might be granted by compromising the suit for a sum of Rs 1200/- as against a sum of Rs 2355/- due to the Municipality Accordingly, the new President, Mr, Aminulmulk, received the composition amount viz Rs 1200/- and requested the Advocate Mr B Hanumant Rao to withdraw the suit which was done in Court on 23rd May 1935 By this hasty and indiscreet action of the marginally noted six

Messrs
1 H Veeraswami Mudaliar, Vice President
2 R Mohamed Hayath
3 Syed Abdul Rub
4 Abdul Mannan Sab
5 Sheik Budan Sab
6 Patel Mallappa

Councillors, the Harihar Municipal Council has suffered a loss without satisfactory reasons therefor, of Rs 1458-2-10 up to end of November 1935, as reported by the President This irregularity was noticed by me at the time of the inspection of the Office, last year ( Vide extract of the

inspection note as noted below )

" A sum of Rs 1675/- was due from Andanur Kupanna towards tollgate arrears for 1930-31 The Municipal Council have compounded with him for a sum of Rs 1200/- and remitted the balance The amount was recovered on 22-5-1935 Both these remissions are not in order as they are opposed to the clause 13 of the sale notification which lays down that the lessee is not entitled to any remission under any circumstances, seasonal or otherwise "

6 It has to be stated that the responsibility for this bungling lies on the official Presidents as well as on the Municipal Council itself Mr K Rangappa the first official President failed in his duty when he did not take action immediately for the recovery of the arrears when the contractor defaulted to pay up the khist for February 1931 He could have sold the right at the contractor's risk as per clause 15 of the sale notification The next President, Mr S M Sitaramiah is guilty of more serious negligence and graver dereliction of duty in as much as he gave a definite wrong lead to the Council, as stated already, after the matter had been suitably disposed of by the Deputy Commissioner and the Municipal Council His bona fides is strongly in doubt His conduct in mismanaging the affairs of this Council has already been brought to the notice of Government by me in my communications Nos A-6 P R 227/34-35 dated 22-9-1935 and A6 C 1200/35-36 dated 21-11-1935 The first communication has been submitted to Government through you The second communication has been submitted to Government direct A copy of the same is enclosed herein for information This is one more instance of his systematic bungling in the affairs of the Municipal Council when he was in charge here I am of opinion therefore, that Mr S M Sitaramiah is unfit to hold any responsible charge

7 Mr Aminulmulk who was new to the charge is also to blame, in as much as he gave effect to the resolution of the Council without obtaining the orders of the Deputy Commissioner who had already disposed of the matter so far back 1932 He has thus failed to use his discretion correctly in the matter He may be warned to be more careful in future

8 Next, coming to the matter of the responsibility of the Council, I am of opinion that the six Municipal Councillors who voted for the

3081/L.

compromise which has resulted in a loss of Rs 1458-10-0 are liable to make good the amount equally to the Municipality, under Section 187(2) of the Mysore Town Municipalities Regulation I solicit the early orders of Goverrment in the matter The entire fule of records is enclosed herewith

I have the honor to be,

Sir,

Your most obedient servant,

Sd/- M S Iyengar,

Deputy Commissioner,
Chitaldrug District

A-6 C 1433/35-36

Memo

Copy of the above is forwarded with compliments to the Secretary to Government, Development Department for information

M S Iyengar

Chitaldrug,
Dated 3rd January 1936

Deputy Commissioner
Chitaldrug District

L 5228/me

To 13/1/36

The Revenue Commr in
Mysore

Sir,

I am directed
to invite reference to
your letter no C 1494
35-36
dated the 18th Oct 935-
stating that, in connection
with the report of the
D.C Chitaldrug against
the conduct of Mr S.N.
Siddanarayya, now acting
as Amildar, Malur Taluk
the explanation of the
Officer has been called
for & to request that
if it has been received,
the same may be
forwarded to Govt with

your own remarks thereon
Very early I am also
to invite reference to a
further report no A6 C 1433/35-36
dated the 3rd January 1936 with
enclosure from the D.C. Chitaldrug
making a further report
against the said Mian

I beseech

Yours
Mr. Lee, Bolton
for D.C.

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the 193

Date of issue 31/1/36

Signed by

List of enclosures

Copied by

Examined by

~~Confidential~~

Section mc

File No 177-35

Serial No 2

No L 5720 & 31/1/36

To

The Deputy Commr

Chitaldrug Dist

Sir,

With reference to your letter no A6 C1433 35-36 dated the 2nd January 1936 bringing to the notice of Govt that the compromise effected by the Huriken Jamadar in the suit filed against one Mr Andanur Muppanna towards the arrears due to the Mdy on account of Wheat khists for the year 1930-31 resulted

in a loss of Rs 1458/10/- to the Mty, I am directed to observe that the Section 89 of the Regn gives the Mt be the power to lease and Sec 176 (1) the power to compromise suits and that it is difficult to say that there was proved negligence or misconduct on the part of the Mt Councillors, although they may have hastily come to the conclusion that fast payment was preferable to a long drawn suit and to state that in the circs of this case Govt do not think this to be a fit case to proceed against the Mt Councillors who voted for the Compromise.

I have &c

AHW

Secy to Govt

Dy 29/11

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

CONFIDENTIAL

*Dated Bangalore* 31st January 193 6

No L5720/Rev 177-35-2

From

The *Secretary to the Government of His Highness the Maharaja of Mysore*
*Development Department*

To

The Deputy Commissioner,
Chitaldrug District

Sir

With reference to your letter No A 6 C 1433/35-36 dated the 2nd January 1936 bringing to the notice of Government that the compromise effected by the Harihar Town Municipal Council in the suit filed against one Mr Andanur Muppanna towards the arrears due to the Municipality on account of toll gate khists due by him for the year 1930-31 resulted in a loss of Rs 1458-10-0 to the Municipality, I am directed to observe that section 89 of the ~~Taluk~~ Town Municipalities Regulation gives the Municipal Council the power to lease and section 176 (1) the power to compromise suits and that it is difficult to say that there was proved negligence or misconduct on the part of the Municipal Councillors, although they may have hastily come to the conclusion that part payment was preferable to a long drawn suit and to state that, in the circumstances, Government do not think this to be a fit case to proceed against the Municipal Councillors who voted for the compromise

I have the honour to be,
Sir,
Your most obedient servant,

T D

For Secretary to Government,
Development Department

mk 2

T l Add —D p m
CHITALDRUG

I lly pl f t
N ABC 1433/35-36
E l re one letter copy

OFFICE OF THE DEPUTY COMMISSIONER
CHITALDRUG DISTRICT

Dated Chitaldrug 2nd January 1936.

FROM

D POST

N Sundararaja Iyengar, Esquire, B A ,
Deputy Commissioner
Chitaldrug District

To

M Venkatanaranappa, Esquire, B A ,
Secretary to Government, Development Department, Bangalore

Through,

The Revenue Commissioner in Mysore, Bangalore

Subject - Harihar Municipal Tollgate khists 30-31, - Suit instituted and withdrawn - loss arising from

Sir,

In forwarding herewith the entire file of records received from the Sub Division Officer, Davangere, in the matter of the suit withdrawn by the Harihar Municipal Council filed against one Mr Andanur Muvvanna towards the arrears due to the Municipality on account of Tollgate khists for the year 1930-31, I have the honor to state as follows -

The right to collect toll during the year 1930-31 was sold in auction and the same was knocked down to one Andanur Shivalingappa fo a sum of Rs 7500/- This Andanur Shivalingappa being a minor, the necessary stamped mutchalika was executed by Messrs Andanur Muppanna father of the sale purchaser and another H Chandrasekharaiya, binding themselves to the conditions of the sale notification This stamped mutchalika has been filed with the other connected papers in the Civil Court, Davangere, in connection with the suit The contractor paid th khists regularly from July 1930 to January 1931 and became a defaulter from February onwards for 3 months viz February, March and April to extent of Rs 1875/- He applied to the Municipal Council twice for relief and the Council, on both the occasions, refused to consider his request, as the contractor was not entitled to any concession as per clause 13 of the sale notification

2 Thereupon, Mr Iuppanna applied to the Deputy Commissioner and Government for grant of relief to him After some correspondence the Municipal Council resolved at their meeting held on 30-11-1931 that one-third of the dues might be remitted, if the contractor paid the balance of arrears within a month thereafter A notice was accordingly issued to the contractor on 3-12-1931 but he refused to have it served on him Instead of availing himself of the concession shown to him, the contractor paid only Rs 200/- on 6-1-1932 and wanted time for 2 or 3 months more to pay up the balance The matter was reported to the Deputy Commissioner who directed on 25-5-1932 that immediate action might be taken to recover the balance Thereupon coercive measures were adopted for the recovery of the amount and only Rs 28-5-0 was realised thereby

3 A Civil suit was thereupon instituted as resolved by the Council for the recovery of the balance of the contract amount including the penal ~~amount~~ interest amounting to Rs 2010/- The Advocate, Mr B Hanumantha Rao of Davangere has been paid Rs 345/- so far towards his fees, stamps and other connected expenses Mr Iuppanna presented an application to the President on 26-3-1935 after this suit was before the Court for nearly one and a half years, to compound matters for a sum of Rs 1200/- which he said he would pay in two instalments The then President, Mr S M Sitaramaiah ordered that the petition might be placed before the Council This was entirely uncalled for and unnecessary as the matter had been disposed of finally by the responsible authorities, viz the Municipal Council and the Deputy Commissioner It was thus a definite wrong lead given to the Council by its official President It came up before the Council finally on 22-5-1935 when the Vice President, Mr Veeraswami Mudaliar, presided on account of the absence of the President, Mr Aminulmulk, on tour

4 In the face of the definite orders of the Deputy Commissioner dated 25th May 1932 that the entire arrears should be recovered and in the face of the fact that the Council had also finally resolved at its meeting held on 4-10-1933 that the suit should be proceeded with, and also, the fact that the matter had come up to the decree stage in favour of the

Municipality before the Munsiff's Court, Davangere, it was quite wrong on the part of Mr S M Sitaramiah, the official President, to have countenanced any personal representation of the party to himself and then referred the matter to the Council for reconsideration again

5 The subject was placed before the Council first on 24-4-1935 it was adjourned to 29-4-1935 and then again it was adjourned to 10-5-1935 Finally it came up before the Council on 22-5-1935 Mr S M Sitaramiah, in the meanwhile handed over charge on 16-5-1935 as he was transferred to Malur, Kolar District, as Amildar His successor was Mr Aminulmulk At this adjourned meeting, Mr ~~Amanul~~ Aminulmulk was absent It is seen that at this meeting out of the 21 members on the Council, only 8 members were present when the matter was discussed Two of the eight members present, viz the Sub Assistant Surgeon and Mr Shankaranaik, were of the opinion that the question should be discussed at the full Council meeting and a decision arrived at, as the matter involved a serious loss to the Municipality But the other six members were of the opinion that the concession asked for might be granted by compromising the suit for a sum of Rs 1200/- as against a sum of Rs 2355/- due to the Municipality Accordingly, the new President, Mr Aminulmulk, received the ~~compositi~~ composition amount viz Rs 1200/- and requested the Advocate, Mr B Hanumantha Rao to withdraw the suit which was done in Court on 23rd May 1935 By this hasty and indiscreet action of the marginally noted six Municipal Councillors, the Harihar Town Municipal Council has suffered a loss, without satisfactory reasons therefor, of Rs 1458-2-10 up to end of November 1935 as reported by the President This irregularity was noticed by me at the time of the insoection of the Office. last year ( Vide extract of the inspection note as noted below )

Messrs
1 H Veeraswamimudaliar, Vice President
2 R Mohamed Hayath
3 Syed Abdul Rub
4 Abdul Manna Sab
5 Sheik Budan Sab
6 Patel Mallappa

" A sum of Rs 1675/- was due from Andanur Luppanna towards toll-gate arrears for 1930-31 The Municipal Council have compounded with him for a sum of Rs 1200/- and remitted the balance The amount was recovered on 22-5-1935 Both these remissions are ~~un~~

not in order as they are opposed to the clause 13 of the sale notification which lays down that the lessee is not entitled to any remission under any circumstances seasonal or otherwise "

6 It has to be stated that the responsibility for this bungling lies on the official Presidents as well as on the Municipal Council itself Mr K Rangappa the first Official President failed in his duty when he did not take action immediately for the recovery of the arrears when the contractor defaulted to pay up the khist for February 1931 He could have sold the right at the contractor's risk as per clause 15 of the sale notification The next President, Mr S M Sitaramiah, is guilty of more serious negligence and graver direliction of duty in as much as he gave a definite wrong lead to the Council, as stated already, after the matter had b en suitably disposed of by the Deputy Commissioner and the Municipal Council His bona fides is strongly in doubt His conduct in mismanaging the affairs of this Council has already been brought to the notice of the Government by me in my communications Nos A-6 PR 227/34-35 dated 22-9-1935 and A-6 C 1200/-35-36 dated 21-11-1935 The first communication has been submitted to Government through you The second communiction has been submitted to Government direct A copy of the same is enclosed herein for information This is one more instance of his systematic bungling in the affairs of the Municipal Council when he was in charge here I am of opinion therefore, that Mr S M Sitaramiah is unfit to hold any responsible charge

7 Mr Aminulmulk who was new to the charge is also to blame, in as much as he gave effect to the resolution of the Council without obtaining the orders of the Deputy Commissioner who had already disposed of the matter so far back as 1932 He has thus failed to use his discretion correctly in the matter He may be warned tobe more careful in future

8 Next, coming to the matter of the responsibility of the Council, I am of opinion that the six Municipal Councillors who voted for the compromise which has resulted in a loss of Rs 1458-10-0 are liable to make good the amount equally to the Municipality, under Section 187 (2) of the

*Mysore Town Municipalities Regulation I solicit the early orders of Government in the matter The entire file of records is enclosed herewith*

*I have the honor to be,*

*Sir,*

*Your most obedient servant,*

*Deputy Commissioner,*

*Chitaldrug District*

MEMO no C 2970/35 369 dated 17/2/1936 — Sent Returned

Forwarded with compliments to the Secretary to Government of Mysore, Development Department

Assistant Commissioner,
For Revenue Commissioner,
Absent from the Station

Letter No A6 C 1200/35-36 dated 21st November 1935 from the Deputy Commissioner, Chitaldrug to the Secretary to Government, Development Department

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In forwarding herewith the file of records received from the Sub Division Officer, Davangere with his No R2 C 806 P R 82/35-36 dated 7th November 1935 in the matter of the remission of a sum of Rs 452/- sanction -ed by the Harihar Town Municipal Council to the Toll contractor, Mr Mula Ramappa during the year 1934-35, I have the honor to state that the point having been noticed by me at the time of ~~xfixxxxxxxx~~ the inspection of the Municipal Office on 18-6-1935 this irregularity was embodied in the notes stating that the remission sanctioned was not in order (vide extrac of the inspection note enclosed) Subsequently the President referred the records to the Lawyer at Davangere for his opinion in the matter as to the action that could possibly be taken in this matter in view of my observation in the notes of inspection It may observed however, in passing that there was no necessity for the President to consult the Lawyer He could have made a recommendation to me direct for taking action under Section 194 of the Town Municipalities egulation

After taking legal opinion, the question was placed before the Counci at its meeting held on 31-10-1935 when they resolved that the Deputy Commissioner might be addressed to take action under Section 194 ~~of~~ The legal opinion in original as well as a copy of the Council's resolution in the matter are enclosed in the file for reference

It is seen from the records that the contractor's applications for remission were rejected by the then President, Mr S M Sitaramiah, till 8th April 1935 and necessary endorsements issued to the party accordingly His application dated 11-4-1935 to the Council came up before the its meeting held on 24-4-1935 and they, with Mr Sitaramiah in the Chair resolved that one month's khist might be remitted A copy of this resolution is enclosed in the file It may be observed in this connectio that the contractor having taken up the business executed a rutchalika or 1-7-1934, on a starped paper, binding himself to all the consitions laid down in the sale notification Clause 13 of the sale notification lays down in <u>unmistakable terms</u> that the contractor shall not be entitled to any remission of the contract amount on account of seasonal conditions or any other cause whatever The Municipal Council ought not to have

considered this request at all which was quite against its own interests Mr Sitaramaih who presided over the meeting has evidently failed to give the proper lead to the members present and this has been the result His conduct in this respect deserves to be suitably noticed In this connection I would also invite reference to my communication No 1-6 P R 227/34-35 dated 23-9-1935 in respect of Mr Sitaramiah's work as President of the Municipality

As the remission of one month's khist amounting to Rs452/- has resulted in a loss to the Municipality without adequate reasons therefor, I request that early orders of Government may kindly be obtained to the cancellation of the resolution of the Council dated 24-4-1935 passed in this respect and to authorise the Council to recover the same ~~fxm~~ thus illegally remitted

The entire records are herewith forwarded for reference and return when done with

"COPY

Deputy Commissioner,
Chitaldrug District

Appendix F G—1]

SUBJECT

Section ML

File No

Serial No

*Diary No of letter replied to*

No L 6203/1[illegible]

To

The Dy Commr, Chittagong

General and Revenue Secretariat

( ) the 193

Sir, with reference to your letter No A6-433/35 36 dt 25-10 37 I am directed to return herewith the two files of record relating to the recovery of the Haribar Rd Toll-gate khasta for 1930-31, received with your letter No A6 C 1433/35 36 dt 24-1-36 ~~which you requested in your letter No A6 C 1433/35-36 dt 25-10-37~~

I have etc

Dy Secy to Govt

& Ag Secy Dept

15/1

Date of issue 18 1 38

Signed by Mr Sn S H

List of enclosures

Copied by

Examined by

WD 0521—GPB—30 000—12 3 37

**GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE**

**General and Revenue Secretariat**

*Dated Bangalore* 18th January 193 8

*No* L 6203
Gen I file

*From*

The *Secretary to the Government of His Highness the Maharaja of Mysore*
*Local Self Government Department*

*To*

The Deputy Commissioner,
Chitaldrug District

*Sir*

With reference to your letter No A6 1433/35-36 dated the 25th October 1937, I am directed to return herewith the two files of records relating to the recovery of the Harihar Municipal Toll-gate khists for 1935-36, received with your letter No A6 C 1433/35-36 dated the 2nd January 1936 referred to therein

I have the honor to be,
Sir,
Your most obedient servant,

M V Jayaram
Secretary to Government,
Local Self-Government Department